

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
721 19th Street, Room 407
Denver, Colorado 80202

SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR)	Honorable Patrick B. Augustine
Complainant,)	
)	
v.)	
)	OSHRC Docket Nos. 17-0845 & 17-0928
HULTGREN CONSTRUCTION, LLC)	
Respondent.)	
)	
and)	
)	
COMMAND CENTER, INC.,)	
Respondent.)	

SECRETARY OF LABOR’S STATUS REPORT

On August 21, 2018, the Secretary of Labor, United States Department of Labor, Occupational Safety and Health Administration (“OSHA”) (“the Secretary”) renewed his motion to stay the civil proceedings in the above-captioned matters pending a criminal review by the Office of the United States Attorney for the District of South Dakota. The Court granted the Secretary’s motion on August 23, 2018, staying the above-captioned matters through September 30, 2019, and directing the Secretary to file status reports in 90 day intervals.

Pursuant to the Court’s Order, the Secretary states the following:

1. At this time, the U.S. Attorney’s Office continues to actively investigate the facts and circumstances surrounding the OSHA inspection that commenced at the Hultgren Construction, LLC (“Hultgren Construction”) worksite in December 2016, to determine whether criminal charges should be brought against any person or entity. No indictment has been filed at this time, nor has a decision not to bring an indictment been communicated to the Solicitor’s

Office. Since receiving the criminal referral from the Department of Labor, the U.S. Attorney's Office has reviewed a large volume of information related to the inspection, including videos, photographs, interview statements, architectural plans, and Hultgren Construction policies and procedures. In addition, the U.S. Attorney's has sought additional documentation and testimony surrounding the December 2016 building collapse in Sioux Falls, SD.

2. The Secretary anticipates that the investigation will continue as the U.S. Attorney's Office collects and organizes additional evidence. The Solicitor's Office continues to provide assistance as necessary, most recently summarizing inspection data and conducting legal research related to pending Hultgren Construction bankruptcy proceedings.

3. Given both the sensitivity and nature of the ongoing criminal investigation, the Department of Justice is unable to place a precise timetable on when the investigation will conclude. However, the U.S. Attorney's Office reports that the investigation is moving forward and pledges that it will be completed in an expeditious manner.

Respectfully submitted,

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/s/ Jennifer A. Casey
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U.S. Department of Labor
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CERTIFICATE OF SERVICE

The parties have consented to the use of OSHRC's e-filing system. I hereby certify that service of the foregoing Secretary of Labor's Status Report has been made by electronic mail to:

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Dated this 19th day of February, 2019.

/s/ Jennifer A. Casey

Jennifer A. Casey